

Chapter 45

TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 45-1. Short title.

This chapter may be known and cited as the Traffic Ordinance.
(Code 1968, § 46-1)

Sec. 45-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley. Any street, as herein defined, of 20 feet or less in width having no legal or official name other than "alley."

***Cross references**—Use of flashing lights by ambulances, § 4-11; driving livestock on streets, § 6-9; riding bicycles, motorcycles, etc., in restricted airport areas, § 9-66; motor vehicles at airports generally, § 9-101 et seq.; house moving, § 10-48 et seq.; noisy vehicles, § 30-5; sounding of vehicle horn or signaling device, § 30-8; driving vehicles in parks, § 32-29; use of police academy driving track by private persons, § 34-36; obstructing railroad crossings, § 38-9 et seq.; streets and sidewalks generally, Ch. 40; obstruction of sidewalks with vehicles, § 40-11; moving vehicles that throw or dump mud or clay on streets, § 40-22; street dances, § 40-27; transportation of earth materials on streets and alleys, § 40-168; vehicles for hire, Ch. 46; transportation of waste, § 47-241 et seq.

Animal has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animated being that is not human and has the power of voluntary action.

Authorized emergency vehicle. Vehicles of the fire department (fire patrol), police vehicles, public and private ambulances for which permits have been issued by the state board of health, emergency vehicles of municipal departments or public service corporations as are designated or authorized by the city council, private vehicles operated by volunteer firemen or certified emergency medical services volunteers while answering a fire alarm or responding to a medical emergency, and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is 14 inches or over in diameter.

Blockface shall mean that portion of a block that abuts a street between two intersecting streets.

Bus. Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Bus zone. The area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of buses operating under franchise granted by the city, for loading and unloading passengers.

Business district. The territory contiguous to and including a roadway when, within any 600 feet along such roadway, there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

Central business district. The area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the

centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

Department. The department of public works and engineering.

Director. The director of the department of public works and engineering or his designee.

Driveway. Entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicle traffic except by permission of the owner of such private premises.

Driver. Every person who drives or is in actual physical control of a vehicle.

Esplanade has the meaning ascribed in section 33-101 of this Code.

House trailer. A trailer or semitrailer:

- a. which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
- b. whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection a., but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary line of the roadways of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a street includes two roadways, 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such streets shall be regarded as a separate intersection. The junction of an alley with a street or highway shall not constitute an intersection.

Laned roadway. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Large vehicle. A "motor vehicle" or a "trailer," as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of 30 feet in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds 30 feet.

Legal holidays. The term "legal holidays" shall include only such holidays as are officially designated by the city council.

Limited-access or controlled-access highway. Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Livestock has the meaning ascribed in Texas Agricultural Code 1.003 means cattle, horses, mules, asses, sheep, goats, and hogs, unless otherwise defined.

Median strip means the dividing area, either landscaped or paved, between opposing highway traffic lanes.

Minor has the meaning ascribed in section 28-17 of this Code.

Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Motor assisted scooter has the meaning ascribed in Section 551.301 of the Texas Transportation Code, as may be amended from time to time.

Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Neighborhood electric vehicle means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in this city.

Official traffic-control devices. All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise except an involuntary stopping of such vehicle by reason of mechanical failure or direction of a policeman.

Pedestrian. Any person afoot.

Pole trailer. Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members, capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Residential district. The territory contiguous to and including a street or highway when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences.

Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Semi-trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

Stop. When required, means complete cessation of movement.

Stop, stopping, standing. When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Taxi zone. The area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of taxicabs licensed as such by the city.

Through street, through highway or express street. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided by law.

Traffic. Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street or highway for purposes of travel.

Traffic-control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic island means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes.

Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being

drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Transport vehicle for physically handicapped. A motor vehicle regularly operated by or for the transportation of physically handicapped persons and which is so designated by special symbol, tab or other device pursuant to the provisions of article 6675a-5e.1, Texas Revised Civil Statutes Annotated.

Truck or commercial vehicle. Every motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck loading zone. The area or space adjacent to the curb, officially set apart by appropriate signs or markings for the exclusive use of commercial vehicles as defined in section 45-126 of this Code during the loading or unloading of freight.

Valet zone. The area or space officially set apart within a roadway by appropriate signs or markings for the use of valet service providers operating under permit issued by the city.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.
(Code 1968, § 46-2; Ord. No. 80-3073, § 1, 10-22-80; Ord. No. 90-635, § 148, 5-23-90; Ord. No. 91-62, §§ 1, 2, 1-9-91; Ord. No. 93-514, § 102, 5-5-93; Ord. No. 03-703, § 6, 7-30-03; Ord. No. 04-679, § 2, 6-23-04; Ord. No. 05-935, § 2, 8-3-05; Ord. No. 05-1315, § 1, 11-30-05)

Sec. 45-3. Compliance.

It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.
(Code 1968, § 46-3)

Sec. 45-4. Department of public works and engineering.

The city's former department of traffic and transportation has been merged into the city's

department of public works and engineering. Any reference in this Code or other ordinances or documents of the city to the department of traffic and transportation shall be construed to mean the department of public works and engineering. Similarly, any reference to the director of traffic and transportation or to the director of the traffic and transportation department shall be construed to mean the director of public works and engineering.

(Code 1968, § 46-4; Ord. No. 90-635, § 149, 5-23-90; Ord. No. 93-514, § 103, 5-5-93)

Charter reference—Appointment of heads of administrative departments, Art. VI, § 7a.

Cross reference—Officers and employees generally, § 2-21 et seq.

Sec. 45-5. General powers and duties of traffic engineer.

(a) The director of public works and engineering or such other person as the director may from time to time designate in writing to perform such function shall be the traffic engineer of the city. The traffic engineer shall exercise the powers and duties as provided in this Code and the other traffic ordinances of the city.

(b) The city traffic engineer shall have the responsibility and authority to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

(Code 1968, § 46-5; Ord. No. 90-635, § 150, 5-23-90; Ord. No. 93-514, § 104, 5-5-93)

Sec. 45-6. Authority of traffic engineer to make regulations.

(a) The traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of this chapter and other traffic ordinances of the city.

(b) The city traffic engineer is hereby empowered to make temporary or experimental traffic regulations to cover emergencies or special conditions. No such temporary or experimental regulations shall remain in effect for more than 90 days; provided however, the traffic engineer shall have no authority to eliminate established school zone speed limits without city council authorization. (Code 1968, § 46-6; Ord. No. 87-2025, § 1, 12-16-87)

Sec. 45-7. Traffic engineer's regulations, designations, etc., to be recorded and kept on file.

Every regulation, designation, delineation or determination promulgated by the traffic engineer pursuant to the authority granted in this chapter shall, unless otherwise provided herein, be described and recorded, and a true record thereof shall be maintained on file and available for public inspection in the offices of the traffic engineer. The original records may be maintained in the data base of a data processing system, provided that the system has the capability to generate printed copies upon request therefor. Each such record shall constitute public record, and all persons shall be charged with notice of the contents of the same.

(Code 1968, § 46-7; Ord. No. 88-726, § 1, 5-4-88)

Sec. 45-8. Enforcement officers generally.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) The director may designate personnel employed in the department to enforce those provisions of this chapter dealing with stopping, standing and parking. Upon designation by the director, those persons so designated shall enforce the stopping, standing and parking provisions of this chapter by issuance of a summons or notice to appear in answer to a charge of violation on the official form prescribed by the city for such notices. Such persons shall not have any power of arrest under the authority conferred by this section nor shall they have the authority to order a

vehicle removed or impounded for violation of the stopping, standing and parking provisions of this chapter. Persons designated under this section shall be issued appropriate identification by the director and shall be issued the necessary forms to carry out their duties. Such persons shall account to the police department for all such forms issued.

(Code 1968, § 46-8; Ord. No. 77-1069, § 1, 5-31-77)

Sec. 45-9. Authority of police officers to direct traffic.

Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with this chapter and other traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this chapter or other traffic laws.

(Code 1968, § 46-9)

Sec. 45-10. Authority of officers of fire department to direct traffic.

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1968, § 46-10)

Sec. 45-11. Obedience to traffic officers generally.

No person shall willfully fail or refuse to comply with any lawful order, direction or signal, visual or audible, of any police officer or officer of the fire department vested by law with authority to direct, control or regulate traffic.

(Code 1968, § 46-11)

Sec. 45-12. Using vehicle for primary purpose of advertising.

No person shall operate or park on any street any vehicle for the primary purpose of advertis-

ing, except where such operation or parking is specifically permitted by the terms of some provisions of this Code or other ordinance of the city. (Code 1968, § 46-13)

Sec. 45-13. Pedestrians, bicycles, etc., upon limited or controlled-access highways.

(a) No pedestrian shall go upon, walk along, or cross over any limited-access or controlled-access highway within the corporate limits of the

city, except upon the portions along the outer margins thereof, which are designed for and known as "service roadways."

(c) No person shall drive or operate any wheeled vehicle which is not motor-propelled upon any limited-access or controlled-access highway within the corporate limits of the city, except upon the portions along the outer margins thereof which are designed for and known as "service roadways."

(d) To avoid any doubt, if any doubt might otherwise exist, it is the purpose of the city council by this section to prohibit, within the center or middle portions of limited-access or controlled-access highways which are designed to accommodate through traffic, and to and from which connecting roadways lead to and from the service roadways, any use except for the operation thereupon of motor vehicles.

(e) Any person violating any of the terms of this section shall be guilty of an offense and shall be fined not less than \$25.00 and not more than \$200.00.

(Code 1968, § 46-16)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 45-14. Riding on portion of vehicle not intended for passengers.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 1968, § 46-17)

Sec. 45-15. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1968, § 46-20)

Sec. 45-16. Use of coasters, toy vehicles and similar devices on roadway.

No person riding in or by means of any coaster, toy vehicle or similar vehicle, shall go upon any roadway, except while crossing such roadway in accordance with the pedestrian crossing regulations. The provisions of this section shall not apply to persons on roller skates.

(Code 1968, § 46-22; Ord. No. 90-1182, § 1, 10-3-90)

Sec. 45-17. Removal of foliage restricting vision.

(a) Whenever the traffic engineer shall find a tree, shrub, hedge, or other natural growth of any sort or description located and growing within the boundaries of any public street in the city, which interferes with the vision of automobile drivers driving upon such street, therefore constituting a traffic hazard, he is authorized and directed to cause the traffic hazard to be abated by trimming or removing any such obstruction. If deemed advisable and without materially increasing the danger to the public, the traffic engineer is authorized to give notice to the owner of the abutting property and afford such owner an opportunity to do the work of abating the hazard himself, but the traffic engineer shall never be compelled to await the owner's action in any case where he shall find that the public safety requires the immediate abatement of the hazard.

(b) The mayor is authorized to detail skilled employees of the park department or other employees of the city to assist the traffic engineer in the actual work of abating and removing such traffic hazards and such employees shall perform the work under the direction and supervision of the traffic engineer.

(Code 1968, § 46-24)

Cross reference—Authority of director of park and recreation relative to trimming of trees, etc., § 32-6.

Sec. 45-18. Operation of neighborhood electric vehicles and motor assisted scooters.

(a) It shall be unlawful for a minor to operate a neighborhood electric vehicle or a motor assisted scooter on any public roadway, street, alley, sidewalk or city park within the city limits.

(b) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a neighborhood electric vehicle or a motor assisted scooter on any public roadway, street, alley, sidewalk or city park within the city limits.

(c) It is a defense to prosecution under this section if a minor presents evidence of being a qualified individual with a disability pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12131 and 12132).
(Ord. No. 05-935, § 3, 8-3-05)

Sec. 45-19. Application of chapter to drivers of government vehicles.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.
(Code 1968, § 46-26)

Sec. 45-20. Application of chapter to persons propelling push carts, riding animals, etc.

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.
(Code 1968, § 46-27)

Sec. 45-21. Removing materials from highway.

Any person who drops or permits to be dropped or thrown, upon any street or highway any destructive or injurious material, or other material such as dirt, shell, oil, etc., which would be detrimental to the use or appearance of such street or highway, shall immediately remove the same or cause it to be removed.
(Code 1968, § 46-23(b))

Sec. 45-22. Penalty for violation of chapter.

(a) It is a misdemeanor for any person to violate any of the provisions of this chapter except the offenses established in articles VI, VII and XVII. Every person convicted of a misdemeanor for a violation of those provisions of this chapter for which another penalty is not specifically provided shall be punished by a fine of not less than \$1.00 nor more than \$200.00; provided however that no penalty shall be greater or less than the penalty for the same offense under the laws of this state.

(b) It is a civil offense for any person to violate any of the provisions of articles VI and XVII of this chapter or of division 1 of article VII of this chapter. The penalty for violation of any of those provisions, for which another fine is not specifically provided by this Code or by state law, shall be a civil fine of not less than \$1.00 nor more than \$200.00.

(c) For violations under this chapter that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense.
(Ord. No. 95-81, § 2, 1-25-95; Ord. No. 01-759, §§ 4, 5, 8-15-01; Ord. No. 04-679, § 3, 6-23-04; Ord. No. 04-799, § 3, 7-28-04)

Secs. 45-23—45-35. Reserved.

**ARTICLE II. OPERATION OF VEHICLES
GENERALLY**

Sec. 45-36. Markers, buttons, or signs indicating course to be travelled in turning at intersections.

(a) The traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be travelled by vehicles turning at such intersections, and such course to be travelled as so indicated may conform to or be other than as prescribed by this article.

(b) When authorized markers, buttons, signs, or other indications are placed within an intersection indicating the course to be travelled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.
(Code 1968, § 46-48)

(b) Any vehicle emerging from an alley or private driveway onto a one-way street shall proceed straight ahead or turn only in the direction of the designated flow of traffic on the one-way street being entered.

(Code 1968, § 46-51)

Sec. 45-39. Through streets and stop intersections.

(a) Those streets or parts of streets forming the express street plan as designated by the city traffic engineer are hereby declared to be through or express streets for the purpose of this chapter. Whenever a street is designated and described as a through or express street, the traffic engineer may place and maintain a stop sign on each and every street intersecting such through street or intersecting that portion thereof described and designated as such, unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either or both of such streets as may be determined by the traffic engineer upon the basis of an engineering and traffic study.

(b) The traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every such place where a stop is required.

(Code 1968, § 46-56)

Sec. 45-40. Yield intersections.

The traffic engineer is hereby authorized to determine and designate intersections where a particular hazard exists and to determine whether vehicles on one of the intersecting streets shall yield the right-of-way to vehicles on the other street or streets and to erect a "yield right-of-way" sign at every place where such a sign is needed.

(Code 1968, § 46-57)

Sec. 45-41. One-way streets and alleys.

(a) The traffic engineer is hereby authorized to designate streets or portions of streets and alleys upon which vehicles shall proceed and move in one direction only and to designate the direction in which movement is permitted, and to install official signs and markings designating such one-way movement. Upon those streets and parts of streets and in those alleys designated as one-way under the provisions of this subsection, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, and it shall be unlawful for any person to operate any vehicle in violation of such signs so placed in accordance with this subsection.

(b) The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and he shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The traffic engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers, or other devices so placed in accordance with this subsection.

(Code 1968, § 46-59)

Sec. 45-42. Driving or riding on fresh pavement.

It shall be unlawful for any person to drive any vehicle or ride any horse or other animal upon any portion of the streets in the city that has been freshly paved, unless all barriers or signal lights have been lawfully removed therefrom indicating that such street is ready for travel.

(Code 1968, § 46-69)

Sec. 45-43. Obstructing crosswalks and intersections.

The operator of a vehicle shall not cause the vehicle to enter a street intersection or a marked

pedestrian crosswalk unless there is sufficient space for the operator's vehicle to pass through the intersection or crosswalk without obstructing other vehicular or pedestrian use of and passage through the intersection or crosswalk. The provisions of this section shall apply notwithstanding any traffic control signal indication to proceed into the intersection or crosswalk.

(Ord. No. 00-885, § 1, 10-4-00)

Secs. 45-44—45-55. Reserved.

ARTICLE III. TRANSPORTATION OF HAZARDOUS MATERIALS

Sec. 45-56. "Hazardous materials" defined.

For the purposes of this article "hazardous materials" are defined as including the following:

- (1) *Acids and other corrosive liquids.* Corrosive liquids are those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.
- (2) *Class "A" poisons.* Class "A" poisons are poisonous gases or liquids of such nature that a very small amount of the gas or vapor of the liquid, mixed with air is dangerous to life. This class includes, not by way of limitation, but by way of example only, the following:
 - a. Bromacetone.
 - b. Cyanogen.
 - c. Cyanogen chloride containing less than 0.9 percent water.
 - d. Diphosgene.
 - e. Ethyldichlorarsine.
 - f. Hydrocyanic acid; provided, however, that diluted solutions of hydrocyanic acid of not exceeding five percent strength are not class "A" poisons.

- g. Lewisite.
- h. Methyldichlorarsine.
- i. Mustard gas.
- j. Nitrogen peroxide (tetroxide).
- k. Phenylcarbylamine chloride.
- l. Phosgene (diphosgene).
- n. Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

- (3) *Class "B" poisons.* Class "B" poisons are those substances, liquid or solid (including pastes and semi-solids) other than class "A" poisons, which are known to be so toxic to man as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man.
- (4) *Explosive.* An explosive is defined as any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, *i.e.*, with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified.
- (5) *Flammable compressed gas.* A flammable compressed gas is any compressed gas that is so classified by section 173.300 of the Regulations of the Department of Transportation Governing the Transportation of Dangerous Articles in Tank Motor Vehicles, dated September, 1967.
- (6) *Flammable liquid.* A flammable liquid is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 140 degrees Fahrenheit. Pyroforic liquids that become self-igniting when exposed to air are flammable liquids.
- (7) *Flammable solid.* A flammable solid is any solid material, other than one classified as an explosive, which, under conditions incident to transportation, is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes,

retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation hazard; such as, not by way of limitation, but by way of example only, certain metallic hydrides, metallic sodium and potassium, and certain oily fabrics, processed meals, and nitrocellulose product.

- (8) *Non-flammable compressed gas.* A non-flammable compressed gas is any compressed gas which is poisonous to human beings or which has asphyxiating or toxic effect to human beings.
 - (9) *Oxidizing material.* An oxidizing material is a substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.
 - (10) *Radioactive materials.* Radioactive materials include any nuclear or fissionable material, radioactive or waste that have external radiation requiring critical safety control.
- (Code 1968, § 46-77; Ord. No. 70-280, § 1, 3-4-70)

Sec. 45-57. Transportation upon freeways within boundaries of fire zones 1 and 2.

It shall be unlawful for any truck transporting a cargo of over 100 gallons or over 1,000 pounds of hazardous materials, as herein defined, to travel upon any of the elevated freeways of the city within the boundaries of fire zones 1 and 2 as such boundaries existed on December 1, 1969; provided, however, explosives, as herein defined, shall be strictly prohibited in any quantity, upon such elevated freeways within the boundaries of fire zones 1 and 2, and provided, further, however, the prohibition herein contained shall not apply to trucks operated by the fire department of the city carrying supplies of gasoline or other fuels to the scene of fire alarms.

(Code 1968, § 46-78; Ord. No. 70-280, § 1, 3-4-70)

Sec. 45-58. Transportation on routes encompassed by Loop 610.

(a) No truck transporting hazardous materials shall use any route or be driven on any street within that portion of the city encompassed by Loop 610-North, West, South and East unless:

- (1) Such truck is being driven to or from a place within that portion of the city encompassed by Loop 610 where the cargo of such truck is intended to be loaded or unloaded; or
- (2) Such truck is being driven to or from the property of the motor carrier owning such truck or under whose contract the truck is being driven and such property is located within that portion of the city encompassed by Loop 610; or
- (3) Such truck is being driven to or from a place within that portion of the city encompassed by Loop 610 designated as a safe haven in accordance with federal law and supporting regulations where such truck is to be parked or was parked for a period of not less than four hours.

Provided, however, trucks transporting hazardous materials may travel on Loop 610-North, West, South and East.

(b) Proof that a truck transporting hazardous materials was within that portion of the city that is encompassed by Loop 610-North, West, South and East shall constitute prima facie evidence of a violation of this section; but the owner or operator of such truck shall have the right to introduce evidence to show that the truck was being driven to or from a place within that portion of the city encompassed by Loop 610 as authorized by subsection (a).

(Code 1968, § 46-79; Ord. No. 76-2098, § 1, 12-7-76)

Secs. 45-59—45-70. Reserved.

ARTICLE IV. TRAFFIC-CONTROL DEVICES*

Sec. 45-71. Conformity with state specifications; uniformity.

All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the state department of highways and public transportation. All signs and signals required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

(Code 1968, § 46-81)

Sec. 45-72. General powers and duties of traffic engineer.

The traffic engineer shall place and maintain traffic-control signs, signals, and devices when and as required under this chapter and other traffic ordinances of this city to make effective the provisions of this chapter and such ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

(Code 1968, § 46-82)

*Cross reference—Posting advertising matter on traffic signs, etc., § 28-39.

Sec. 45-73. Designation of crosswalks and safety zones.

The city traffic engineer is hereby authorized:

- (1) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (2) To establish safety zones of such kind and character and at such places as he may deem necessary.

(Code 1968, § 46-83)

Sec. 45-74. Marking of traffic lanes.

The traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(Code 1968, § 46-84)

Sec. 45-75. Testing devices.

The traffic engineer may test traffic-control devices under actual conditions of traffic.

(Code 1968, § 46-85)

Sec. 45-76. Unauthorized installation of signs; prima facie evidence that devices were installed by traffic engineer.

It shall be unlawful for any person other than the traffic engineer to install or cause to be installed any sign purporting to direct the use of streets or the activities on the streets of pedestrians or vehicles, and proof in any prosecution that any traffic-control device, sign, signal or marking was actually in place on any street in the city shall constitute prima facie evidence that the same was installed by the traffic engineer pursuant to the authority granted in this chapter.

(Code 1968, § 46-92)

Secs. 45-77—45-90. Reserved.

ARTICLE V. SPEED REGULATIONS*

Sec. 45-91. Maximum limits generally.

(a) No person shall drive a vehicle on any street or highway in the city at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with subsection (d), the following limits shall be lawful, but any speed in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

- (1) Where no other speed limit has been posted with appropriate signs giving notice thereof, thirty (30) miles per hour on any street or highway other than an alley and fifteen (15) miles per hour on an alley within the city limits.
- (2) Seventy (70) miles per hour during the daytime and sixty-five (65) miles per hour during the nighttime for any passenger car on any state or federal numbered highway outside any urban district, including farm and/or ranch-to-market roads, and sixty (60) miles per hour during the daytime and fifty-five (55) miles per hour during the nighttime for any passenger car on all streets or highways outside any urban district.
- (3) Sixty (60) miles per hour for all other vehicles on any streets or highway outside any urban district.
- (4) The speed limits for any bus or other vehicle engaged in the business of transporting passengers for compensation or hire, for any commercial vehicle which is in authorized use as a "Highway Post Office" vehicle furnishing Highway Post Office service in the transportation of the United States mail, and for any light truck, shall be the same as prescribed for passenger cars at the same location.

(b) The above limitations notwithstanding, the following prima facie maximum limits are de-

*Cross reference—Speed limits at airport, § 9-103.

clared, for any streets or highway outside any urban district:

- (1) Forty-five (45) miles per hour for any vehicle towing any house trailer of actual or registered gross weight exceeding four thousand five hundred (4,500) pounds or with an overall length exceeding thirty-two (32) feet, excluding the tow bar.
- (2) Sixty (60) miles per hour in daytime and fifty-five (55) miles per hour during nighttime for any truck, except light trucks, truck tractor, trailer or semi-trailer, or for any vehicle towing any trailer, semi-trailer, another motor vehicle, or any house trailer of actual or registered gross weight less than four thousand five hundred (4,500) pounds and overall length of thirty-two (32) feet or less, excluding the tow bar.
- (3) Fifty (50) miles per hour for any school bus.

(c) For the purposes of this section, the following definitions shall apply:

- (1) *Daytime* means from one-half hour before sunrise to one-half hour after sunset, and "nighttime" means at any other hour.
- (2) *Urban district* means the territory contiguous to and including any highway or street which is built up with structures devoted to business, industry, or dwelling houses, situated at intervals of less than one hundred (100) feet for a distance of one-fourth of a mile or more on either side.
- (3) *Light truck* means any truck with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and includes those trucks commonly known as pickup trucks, panel delivery trucks and carry-all trucks.
- (4) *Passenger car* means any motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.
- (5) *Alley* means a street that:
 - (1) Is not used primarily for through traffic; and

- (2) Gives access to rear entrances of buildings or lots along the street.

(d) Notwithstanding any other provisions of this article, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(e) The driver of every vehicle shall, consistent with the requirements of subsection (d), drive at an appropriate reduced speed when approaching or crossing an intersection or railway grade crossing, when approaching or going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or street or highway conditions.

(Code 1968, § 46-104; Ord. No. 72-1223, § 1, 7-18-72; Ord. No. 93-1624, §§ 1, 2, 12-22-93)

Sec. 45-92. Maximum limits on specific streets.

The city council may alter the maximum speed limits established by section 45-91 of this Code, on any street or portion thereof within the city in accordance with the provisions of Article 6701d, Section 169, of Vernon's Annotated Civil Statutes. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit. (Code 1968, § 46-105)

Sec. 45-93. Speed limits in certain public parks.

(a) The maximum prima facie speed limits shall be as set forth below on and within those certain named and designated streets, drives, roads or public ways, or parts thereof, located in Hermann

Park, MacGregor Park and Memorial Park, in the city limits of the city:

- (1) A maximum speed limit of thirty (30) miles per hour shall apply to and prevail on and within the following named and designated streets, drives, roads or public ways, or parts thereof, located in Hermann Park, MacGregor Park and Memorial Park:
 - a. Golf Course Drive from the centerline of Hermann Loop Drive to the centerline of Zoo Circle Drive.
 - b. Hermann Loop Drive from the centerline of Fannin to the centerline of North MacGregor.
 - c. Hermann Loop Drive from the centerline of Zoo Circle Drive to the centerline of Golf Course Drive.
 - d. North MacGregor from the centerline of Alameda to a point approximately one thousand (1,000) feet north of Holcombe.
 - e. MacGregor Loop Drive from the centerline of Calhoun to the centerline of South MacGregor Way.
 - f. South MacGregor Way from the centerline of Calhoun to the dead end of South MacGregor Way approximately one thousand five hundred (1,500) feet east of South Park.
 - g. Memorial Loop Drive from the centerline of Memorial (west intersection) to the centerline of Memorial (east intersection).
 - h. North Entrance Drive from the centerline of Washington to the centerline of Memorial Loop Drive.
 - i. Outer Belt from the centerline of Fannin to the centerline of Hermann Loop Drive.
 - j. South Picnic Drive from the centerline of Memorial south 0.4 mile.
- (2) A speed limit of twenty (20) miles per hour shall apply to and prevail on the following streets or drives, or parts thereof, within Hermann Park:
 - a. Zoo Circle Drive from the centerline of Outer Belt to the centerline of Golf Course Drive.

(b) Such maximum speed limits shall be effective in, to and on the respective streets, drives, roads or public ways, or parts thereof, set forth in this section when appropriate signs giving notice thereof shall have been erected by the department.

(Code 1968, § 46-109; Ord. No. 68-433, §§ 1-3, 3-20-68)

Secs. 45-94-45-110. Reserved.

ARTICLE VI. STOPPING, STANDING AND PARKING GENERALLY

Sec. 45-111. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

(Code 1968, § 46-122)

Sec. 45-112. Blocking roadways.

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

(Code 1968, § 46-123)

Sec. 45-113. Parking or standing on left side of one-way roadway.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking. The traffic engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

(Code 1968, § 46-125)

Sec. 45-114. Cut-back curb sections for parking—Consent required to cut curb.

It shall be unlawful for any person to cut back any curb in front of any place or establishment for the purpose of providing individual parking space or parking space for the use of customers of such person without the consent of the city council.

(Code 1968, § 46-126)

Sec. 45-115. Same—Method of parking.

(a) Within authorized cut-back curb sections, parking may be at an angle to the curb, but in no event shall any portion of a parked vehicle extend more than six (6) feet into the roadway from the curb line as it would exist in the absence of such a cut-back.

(b) The traffic engineer is authorized to prohibit angle parking in any curb cut-back when, upon the basis of an engineering and traffic investigation, it is determined that such practice is hazardous or dangerous to vehicular or pedestrian traffic.

(Code 1968, § 46-127)

Sec. 45-116. Parking prohibitions and restrictions on specific streets generally.

(a) When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so signed.

(b) When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours designated by such signs on any day, unless otherwise designated.

(c) When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on such signs on any day, unless otherwise designated.

(d) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the specified period at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays.

(e) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all

times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

(f) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1968, § 46-128)

Sec. 45-117. Parking on narrow streets.

(a) The traffic engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs, when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

(Code 1968, § 46-129)

Sec. 45-118. Parking adjacent to schools.

(a) The traffic engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

(Code 1968, § 46-130)

Sec. 45-119. Stopping, standing or parking near hazardous or congested places.

(a) The traffic engineer is hereby authorized to determine and designate, by proper signs, places in which the stopping, standing or parking of

vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

(Code 1968, § 46-131)

Sec. 45-120. Parking in excess of twenty-four hours.

It shall be unlawful for any person to knowingly leave parked or standing in any public street, alley or other public place any vehicle for a longer continuous period of time than 24 hours.

(Code 1968, § 46-133)

Sec. 45-121. Parking on restricted city property.

(a) It shall be unlawful for any person to park, or leave unattended, or drive a vehicle into or upon any property owned and controlled by the city and restricted to use by authorized persons and vehicles only, without first obtaining permission in writing to do so from the proper city officer, agent or employee, authorized by the city council to give such permission. The director of the department to which such property is inventoried is hereby authorized to restrict the use of such property only to persons and vehicles authorized in writing by such director to use such property.

(b) All property of the city that has been restricted, either by the city council or by its duly authorized agent, to use by authorized persons and vehicles only, shall be designated by appropriate and conspicuous signs posted at all vehicular entrances thereto, and such signs shall advise that the property is restricted to authorized persons and vehicles only, that all other vehicles will be towed or driven away, that the driver of any illegally parked vehicle shall be subject to a fine up to \$200.00. The department to which such property is inventoried shall cause such signs to be prepared and posted. The city shall incur no liability for damage caused to any such vehicle by such removal and the owner, by permitting his vehicle to be placed on such property, thereby impliedly waives claim for any damages thereto that may be caused by such towing and storage.

(c) In addition to any other penalty provided for such violation, any vehicle parked, left unattended or driven upon any such restricted property of the city without permission from the proper authority having been first obtained in the manner above provided, is hereby declared to be an obstruction, and shall be subject to being towed or driven away by, or at the direction of any person designated by the head of the department to which such property is inventoried, or any city policeman, to a place of impoundment in the manner provided by law.

(Code 1968, § 46-134)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 45-122. Vehicles on parking lots not to protrude over property line.

(a) It shall be unlawful for any person who operates, keeps or maintains, or causes to be operated, kept or maintained, a parking lot where automobiles or other vehicles are parked on private property adjacent to public streets or sidewalks to permit any automobile or vehicle parked thereon to be parked in such a manner so as to protrude over the property line of such parking lot or to obstruct in any manner any public street or sidewalk adjacent to such private property.

(b) Reserved.

(Code 1968, § 46-135; Ord. No. 95-81, § 3, 1-25-95)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 45-123. Time limit for trailer parking.

It shall be unlawful for any person to leave, stand or park a trailer, semi-trailer, pole trailer or house trailer, either attached or unattached to a motor vehicle, on the public streets of the city for a period of time in excess of two hours.

(Code 1968, § 46-136)

Sec. 45-124. Parking of commercial vehicles prohibited between certain hours.

It shall be unlawful for any person to park or stand any commercial vehicle on or upon the

streets between the hours of 2:00 a.m. and 6:00 a.m. except during the act of loading or unloading as provided for in this article.

(Code 1968, § 46-137)

Sec. 45-125. Designation of curb loading zones.

The traffic engineer is hereby authorized to determine the location of curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(Code 1968, § 46-138)

Sec. 45-126. Parking in truck loading zones.

(a) *Definition.* For purposes of this section, "commercial vehicle" shall mean a truck or other vehicle that either displays a valid permit issued pursuant to subsection (d) of this section or upon which the name, logo, or other designation of the person owning or operating the vehicle is painted or otherwise permanently affixed to the vehicle in letters or markings at least two inches in height.

(b) *Use, generally.* It shall be unlawful for any person to either (i) park any vehicle other than a commercial vehicle in any truck loading zone designated by the city during the posted hours of operation for the truck loading zone, or (ii) during the hours described in item (i) above to utilize a truck loading zone for any purpose other than expeditiously loading or unloading property, goods or merchandise from a commercial vehicle. In addition to any applicable fine or penalty, any vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer or parking enforcement officer.

(c) *Permit or fee required.* It shall be unlawful for any person to park any vehicle in any truck loading zone during posted hours of operation without either (i) displaying a current and valid commercial vehicle parking permit issued and utilized pursuant to subsection (d) of this section, or (ii) paying the metered fee provided in subsection (f) of this section.

towing and impoundment by authority of any police officer of the city in the manner provided in this Code.

(Code 1968, § 46-140.1; Ord. No. 80-3073, § 2, 10-22-80; Ord. No. 89-669, §§ 1, 2, 5-10-89)

Sec. 45-129. Public carrier stops and zones generally.

(a) The traffic engineer is hereby authorized and required to establish bus stops, bus zones, and zones for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus zone, or other zone shall be designated by appropriate signs.

(b) The traffic engineer is hereby authorized and directed, pursuant to the procedures of sections 45-5 and 45-7 of this Code, to establish traffic lanes for the exclusive use of passenger buses during specified hours and days. When such lanes are designated by traffic markings and signs, such lanes shall be deemed to have been established in accordance with this subsection and any person operating a motor vehicle, motor-cycle or bicycle therein during prohibited times, other than crossing said lanes at intersections, shall be guilty of a misdemeanor, and upon conviction, shall be fined as provided in section 1-6 of this Code.

(Code 1968, § 46-141; Ord. No. 75-825, § 1, 5-20-75)

Cross reference—Use of designated loading points by suburban buses, § 46-151.

Sec. 45-130. Taxicab stands.

(a) The traffic engineer and his authorized assistants are authorized and directed to designate spaces on the streets of the city for the exclusive use as taxicab stands and to mark the same with appropriate signs and to install standard signs to indicate the location of such stands, such locations to be determined after traffic engineering surveys, studies and conclusions.

(b) Taxicab stands shall be designated at or near entrances to principal hotels and passenger depots, such as bus depots, passenger train depots, and airports. Such stands shall be designated by the traffic engineer.

(c) No portion of any street in the city shall be used as a taxicab stand other than the ones prescribed as such by ordinance, unless such taxicab stand is approved as such by the traffic engineer. Any person establishing a taxicab stand in violation of this provision and any person driving a taxicab who uses any such taxicab stand established in violation of this provision shall be deemed guilty of a misdemeanor.

(Code 1968, § 46-142)

Cross references—Taxicab stands at George Bush Intercontinental Airport/Houston (IAH), § 46-26; designation of taxicab stands at William P. Hobby Airport (HOU), § 46-27.

Sec. 45-131. Standing and parking of buses.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stop or bus zone designated as provided in this article.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage, other than at a bus stop or bus zone designated as provided in this article, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop or bus zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb, with the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(Code 1968, § 46-143)

Sec. 45-132. Standing or parking of taxicabs.

(a) The operator of a taxicab which is in-service shall not stand or park such vehicle upon any street at any place other than in a taxicab stand designated as provided in this article, and in no case shall the operator of an in-service taxicab leave his vehicle while it is parked at a taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping at any place in accordance with other stop-

ping or parking regulations for the purpose of and while engaged in the expeditious loading or unloading of passengers.

(b) The operator of any taxicab which is out-of-service shall park his vehicle in conformity with the provisions of this article relating to the parking and standing of motor vehicles generally. In no case shall the operator of a taxicab which is out-of-service park at a taxicab stand.

(c) No driver shall load or unload passengers while his vehicle is out-of-service.

(d) The number of taxicabs occupying a taxicab stand shall not exceed the number designated on the official sign establishing such stand.

(e) As used in this section, a taxicab is "out-of-service" whenever a sign reading "taxi is out-of-service" is affixed to the visor of such taxicab so as to be visible from the outside of the taxicab. Lettering for such a sign shall be at least one-and-a-half inches high. A taxicab is "in-service" whenever it is not "out-of-service" in accordance with the foregoing definition.

(Code 1968, § 46-144; Ord. No. 83-894, § 1, 6-14-83)

Cross references—Standing, etc., of taxicabs at George Bush Intercontinental Airport/Houston (IAH), § 46-26; loading zones, etc., at William P. Hobby Airport (HOU), § 46-27.

Sec. 45-133. Restricted use of bus zones and taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus zone, or other than a taxicab in a taxicab stand, when any such zone or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone or stand.

(Code 1968, § 46-145)

Sec. 45-134. Owner and operator responsible for illegal parking.

It shall be unlawful for any person, having registered in his name or owning or operating or having in charge any vehicle, knowingly to allow

or suffer or permit the same to stop, stand or be parked in any street in the city in violation of any of the provisions of this chapter or other ordinances of the city regulating the stopping, standing or parking of vehicles.

(Code 1968, § 46-147)

Sec. 45-135. Use of esplanade, median strip or traffic island.

(a) It shall be unlawful for any person to ride, operate, leave unattended any animal and/or livestock or park any vehicle on, over or across any esplanade, median strip or traffic island.

(b) In addition to any applicable fine or penalty, any animal and/or livestock left unattended or vehicle parked upon an esplanade, median strip or traffic island in violation of this section shall be subject to being removed or towed at the direction of any law enforcement officer or parking enforcement officer.

(c) The provisions of this section shall not apply to any city employee, city contractor or employee thereof, or any person whose duty it is to maintain the esplanade, median strip or traffic island or any equipment thereon.

(Ord. No. 05-1315, § 2, 11-30-05)

Sec. 45-136. Establishment of "tow-away" zones.

The director is hereby authorized to establish "tow-away zones" in conjunction with no-parking regulations upon any street of the city, and for whatever times his study of such streets shows that an illegally parked vehicle would cause an undue hazard or delay to moving traffic.

(Code 1968, § 46-149; Ord. No. 68-1965, § 1, 12-11-68; Ord. No. 79-1339, § 1, 7-5-78; Ord. No. 79-1214, § 3, 7-25-79)

Sec. 45-137. Large vehicle restrictions.

Between the hours of 6:00 p.m. and 7:00 a.m., no person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district.

It is a defense to prosecution under this section that the large vehicle is actually in the process of being loaded or unloaded.

(Ord. No. 91-62, § 3, 1-9-91)

Sec. 45-138. Assimilated offenses.

The elements of those various offenses that are set forth in articles 6701d and 6675a-5e.1 and any other articles of title 116 of the Revised Civil Statutes of Texas and that relate to the parking and stopping of vehicles, including any amendments thereto, are adopted as a part of this article by reference. Violations of any of the aforesaid provisions that are adopted by reference shall also constitute city ordinance violations and may be adjudicated as provided in article XVI of this chapter.

(Ord. No. 95-186, § 2, 2-22-95)

Sec. 45-139. Designation of valet zones.

(a) Upon application by the owner or tenant of one or more commercial establishments located on a blockface in the central business district, the traffic engineer is hereby authorized to determine whether the location of a valet zone within the blockface is feasible and consistent with sound engineering practices, and, upon so determining, to place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. The traffic engineer shall determine the number of on-street parking spaces required for each valet zone, which shall not exceed three parallel parking spaces; provided that the traffic engineer may authorize the use of additional spaces by a hotel when he determines that traffic conditions and hotel operations warrant. The traffic engineer may authorize more than one valet zone on a blockface only upon determining that special conditions exist relating to the configuration of the blockface or to the land uses located on the blockface and that the operation of more than one valet zone will not adversely affect vehicular and pedestrian traffic. As a condition of designating or renewing designation of a valet zone, the traffic engineer may require holders of and applicants for valet zone designations to cooperate with each other where more than one commercial establishment located on a blockface desires designation of a valet zone.

(b) Each valet zone shall be located in the curbside lane of a roadway; provided, however, that the traffic engineer, upon request, may designate a portion of the roadway adjacent to a curbside that provides angled parking as a valet zone for operation during the hours from 12:00 a.m. until 2:00 a.m. Each valet zone shall be designated for a period of one year and shall require the payment of an annual fee of an amount set by the city council by motion upon the recommendation of the traffic engineer, plus a one-time fee to cover the city's actual cost of making and installing the signage designating the valet zone. The traffic engineer shall not deny a request for designation without first affording the applicant an opportunity for a hearing.

(c) The traffic engineer upon request by the owner or tenant of property on a blockface and the payment of a fee of \$25.00 may establish a tem-

porary valet zone upon determining that it is consistent with feasible and consistent with sound engineering practices. The temporary valet zone shall allow the operation of valet parking service during a 24-hour period. Upon approval of the temporary valet zone designation, the traffic engineer shall provide appropriate nonpermanent signage to the application, who shall be responsible for placing the signage in the locations determined by the traffic engineer.

(d) Each valet zone is subject to temporary or permanent suspension by the traffic engineer upon determining that the continued operation of the valet zone will interfere with the safe and efficient flow of vehicular and pedestrian traffic without refund of any portion of the annual fee. A temporary suspension shall specify the number of days that the valet zone operation is suspended. The holder of a valet zone designation, upon written request made within ten days of receipt of the notice of suspension, shall be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director regarding the permanent suspension of a valet zone or the temporary suspension of a valet zone of more than seven days.

(e) Any hearing authorized by this section shall be conducted in accordance with rules promulgated by the director for that purpose. If the hearing officer denies the request to designate a valet zone or upholds the suspension of a valet zone designation, the applicant for or holder of the valet zone designation shall have the right to appeal the decision to city council pursuant to and subject to compliance with Rule 12 of the Council Rules of Procedure by filing notice of appeal with the city secretary, with a copy to the director, within 15 days of the date the decision is placed in the mail addressed to the applicant or holder. Neither request for a hearing nor appeal of a decision shall act to abate the suspension of a valet zone.

(Ord. No. 03-703, § 7, 7-30-03)

Secs. 45-140—45-160. Reserved.

ARTICLE VII. PARKING METERS*

DIVISION 1. GENERALLY

Sec. 45-161. Designation of meter zones and maximum parking time therein; installation of meters—Generally.

The traffic engineer is hereby authorized to establish parking meter zones upon any street or portion of any street where it is determined, upon the basis of a traffic engineering study, that the installation of parking meters shall be necessary to aid in the regulation, control or inspection of the parking of vehicles. The parking of vehicles in such parking meter zones shall be controlled and regulated by parking meters.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-162. Same—Off-street parking zones.

(a) The traffic engineer is hereby authorized to designate any portion or section of any drive, roadway, or area within any public ground or lands owned or controlled by the city as a public parking zone within which parking shall be controlled by parking meters whenever the traffic engineer shall find and determine that the use of public property or any public building, structure or activity situated thereon or adjacent thereto will be benefitted by the control of such parking, or access to such ground, buildings or activity will be made more readily available to a larger number of citizens, or congested traffic and parking conditions will be thereby alleviated. In the zones so designated, the chief clerk of the municipal courts shall designate the maximum parking time for each parking meter, basing his designation on the fact finding above set forth.

(b) Whenever so designated by the traffic engineer, any such public parking zone shall be considered a "street" as such term is used in other

*Editor's note—Ord. No. 04-799, § 4, adopted July 28, 2004, amended Ch. 45, Art. VII, in its entirety. Formerly, said article pertained to similar subject matter and derived from Code 1968, §§ 46-159—46-166 and subsequent amendatory ordinances.

Cross references—Removal and impoundment of vehicles, § 45-201 et seq.; booting and towing delinquent vehicles and other enforcement provisions, § 45-341 et seq.

provisions of this chapter and such other provisions shall govern the use of such zones by the public; but such zones shall not thereby become streets for all purposes unless expressly recognized as such by the city council.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-163. Operation, design, etc., of meters.

(a) Parking meters shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, and may also accept currency, credit cards, debit cards or other forms of payment, based upon the capabilities of the meters installed.

(b) Each parking meter shall be so designed, constructed, installed, and set that, upon the expiration of the time period registered for payment made as provided herein, it will indicate by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains of such period. Where a meter has been installed that controls two or more parking spaces, then the meter shall separately perform the above function for each individual space.

(c) Where a meter has been installed that allows payment of time for a parking meter space, prints a written receipt, and does not indicate expiration of the time period registered for payment by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, then the operator shall display such receipt in the dashboard of the parked vehicle in an unobstructed manner.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-164. Reserved.

Sec. 45-165. When meter regulations effective.

Parking meters in the established zones shall regulate the parking of vehicles between the hours of 7:00 a.m. and 6:00 p.m. on Mondays

through Saturdays except legal holidays unless otherwise specified on the meter or by applicable signage.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-166. Manner of parking in meter zones.

Within the parking meter zones, all vehicles shall be parked parallel to the curb, unless otherwise indicated on the meter or by signage, curb markings, or other control system applicable to the meter. For parallel parking, no part of the curb side of the vehicle shall be parked at a distance greater than 18 inches from the curb. Where one parking meter has been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that the front of the vehicle is located opposite the parking meter. Where two meters have been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that either the front or rear of the vehicle is located opposite the parking meter, as applicable, based upon the relation of the meter locations to the parking spaces. Where a meter has been installed that controls two or more parking spaces, then the vehicles shall be parked in accordance with the signage, curb markings, or other control system applicable to the meter.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-167. Payment; overtime parking.

(a) Parking in a metered space during the restricted and regulated time applicable to the parking meter zone in which such meter is located requires payment in the amount applicable to that metered space, which may be paid through operation of the meter as provided in section 45-163 of this Code.

(b) No person shall park or permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter controlling the space indicates that the paid time period for use of that metered space has expired. This provision shall not apply to the

act of parking or the necessary time that is required to make payment immediately thereafter in a form accepted by the meter.

(c) If a vehicle remains parked in any parking space beyond the parking time limit paid for such vehicle for such parking space, the parking meter shall indicate illegal parking by means of a flag, electronic display, or otherwise, and in that event, the vehicle shall be considered as parked overtime and such overtime parking shall be unlawful.

(d) Parking a vehicle in any parking space in excess of the time paid for such vehicle for such parking space shall be the initial offense under this division. It shall furthermore be unlawful to continue such violation, and more than one ticket may be issued for a continued violation under this division.

(e) If a notice on the meter itself or applicable signage placed under section 45-165 of this Code states that the parking meter is not effective during certain hours or on certain days, then this section shall not be applicable during those days or times.

(f) Exemption for vehicles in public law enforcement service:

- (1) As used in this subsection the term "peace officer" shall mean those persons who are defined as "peace officers" under Section 2.12 of the Texas Code of Criminal Procedure and those employees of the following federal agencies who are authorized to carry handguns, investigate federal crimes, and make custodial arrests of persons accused of committing federal crimes:
 - a. Federal Bureau of Investigation;
 - b. Federal Drug Enforcement Administration;
 - c. Federal Bureau of Alcohol, Tobacco and Firearms;
 - d. United States Marshal's Service;
 - e. United States Customs Service;
 - f. United States Secret Service;
 - g. United States Postal Inspection Service;

- h. Internal Revenue Service; and
- i. Immigration and Naturalization Service.

(2) As used in this subsection the term "department head" shall mean the police chief, sheriff, constable or other duly elected or appointed official in charge of the department or agency that employs a peace officer, provided that if the peace officer is employed by a state or federal agency, then it shall mean the person principally in command of the agency's division, field office or other work group that is responsible for the agency's operations within the city.

(3) It is a defense to prosecution under this section that the person who parked the vehicle is a peace officer and that he presents to the municipal court two affidavits. One affidavit shall be duly executed by his department head and shall set forth:

- a. That the person was at the time of the alleged offense employed under the department head's command as a peace officer;
- b. That the vehicle parked was at the time of the alleged offense owned by or in the service of the State of Texas or the United States or an agency or subdivision thereof; and
- c. That the peace officer was (based upon department head's personal knowledge or upon the records of the department head's office) at the time of the alleged offense engaged in the performance of his officially assigned duties of office.

The second affidavit shall be duly executed by the peace officer who parked the vehicle and shall state that the vehicle was not parked at an expired parking meter for more than a total of four hours on the occasion during which the alleged offense arose.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-168. Parking in other than metered space in meter zone.

Except as otherwise permitted in section 45-126 of this Code, no parking shall be permitted on any of the portions of streets in a parking meter zone at any place other than in the parking spaces designated by the traffic engineer under the terms of this division, and which are controlled by parking meters, and it shall be a violation of this section for any person to park any vehicle in any other place on the portions of the streets designated in a parking meter zone, than in parking spaces duly designated by the traffic engineer and controlled by parking meters. This section shall not apply to loading and unloading zones, taxicab zones or bus zones. It is a defense to prosecution under this section that there is no signage indicating parking is not allowed.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-169. Meter collectors.

(a) There shall be employment positions within the office of the chief clerk of the municipal courts for persons who shall be known as "parking meter collectors." The parking meter collectors shall be selected and appointed in accordance with the established hiring practices of the city. The employees holding those positions shall be under the direction and control of the chief clerk of the municipal courts or his designee.

(b) It shall be the duty of each parking meter collector to collect revenues from assigned parking meters in the city at the times and in the manner prescribed by the chief clerk of the municipal courts and to enforce the provisions of this Code and applicable state laws and regulations relating to the parking of motor vehicles.

(c) Peace officers and other persons designated by the chief clerk of the municipal courts for that purpose shall enforce the provisions of this chapter and state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the city. Persons who are not peace officers may issue citations, but they shall not have the power of arrest. Persons designated under this section shall be issued appropriate identification and the necessary citation forms to

carry out their duties. The persons shall account to the chief clerk of the municipal courts for all citations issued and for all citation forms provided to them.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-170. Proof of parking meter location and time limit.

When any person is charged with having committed an offense under this division, proof that a parking meter was placed for the parking space in connection with which the offense was committed shall constitute prima facie evidence that the parking meter was installed and the space laid out by order of the traffic engineer, and that its location and maximum parking time were designated by the traffic engineer.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-171. Effect on more restrictive provisions.

The provisions of this division shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting, restricting, or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-172. Parking meter rates.

The chief clerk of the municipal courts is hereby authorized to establish parking meter fees for any parking meter that has been placed upon any street or other property owned or controlled by the city. The following fees are hereby established for public parking at any parking meter that is governed by this section:

- (1) *Short-term parking rate:* A rate to be established by the chief clerk between a minimum of \$0.10 for each ten minutes and a maximum of \$1.50 for each ten minutes, which includes any applicable sales tax. Short-term parking rates shall apply to a meter during a time period for which the meter has been designated for short-term parking use upon determination that the public's needs during that

time period may be best served by ensuring that the space is not used for lengthy periods of time by one vehicle.

- (2) *Long-term parking rate:* A rate shall be established by the chief clerk between a minimum of \$0.10 for each hour and a maximum of \$1.50 for each hour, which includes any applicable sales tax. Long-term parking rates shall apply at meters during those periods in which they have not been designated for short-term parking use.
- (3) In establishing the foregoing rates, the chief clerk shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, and the needs of patrons of nearby businesses and other premises to have access to the use of metered parking, as well as relevant traffic mobility and engineering issues, as applicable. Without limiting the chief clerk's options, a parking space may be designated for short-term parking during some times and days and long-term parking during other times and days.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-173. Designation of authority.

Those duties of the traffic engineer under this division that do not require the exercise of professional engineering judgment or that do not relate to traffic control shall be performed by the chief clerk of the municipal courts.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-174. Temporarily restricted meters.

No person shall park a vehicle in a metered space that is subject to an access restriction in accordance with division 2 of this article. This section does not apply if the person is a permittee under division 2 and displays his permit or a true copy on the dashboard of the parked vehicle.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-175. Disposition of fees.

All fees and/or revenues generated from the use of parking meters under this division and all

fees and revenues generated under division 2 of this article shall be first expended to defray all costs associated with debt service and operation and maintenance of parking meters placed in service on or after April 1, 2006, and any remaining funds shall be divided evenly between the city's general fund and the police special services fund administered by the police department.

(Ord. No. 04-799, § 3, 7-28-04; Ord. No. 06-302, § 1, 4-5-06)

Editor's note—It should be noted that § 5 of Ord. No. 06-533, provides for an effective date of July 1, 2006 at 12:01 a.m.

Sec. 45-176. Transfer of authority.

At his discretion and with approval of city council, the Mayor may reassign or transfer the duties of the chief clerk of the municipal courts relating to parking under this article to the Mayor's designee.

(Ord. No. 04-799, § 3, 7-28-04)

Secs. 45-177—45-180. Reserved.

DIVISION 2. TEMPORARY RESTRICTION OF ACCESS TO METERED PARKING

Sec. 45-181. Definitions.

As used in this division, the following words and terms shall have the following meanings unless the context of their usage clearly indicates another meaning:

Attendants mean the persons who are attending events sponsored the permittee.

Chief clerk means the chief clerk of the municipal courts or his designee.

Meter means a parking meter that has been installed by or on authority of the city.

Peak traffic hours mean those hours established by the traffic engineer at a particular city location.

Permit means a current and valid permit issued under this division to cause an access restriction.

Permittee means a person who holds a permit under this division and includes any employee, agent, or independent contractor of the permittee.

Access restriction means any restriction or other rendering unavailable for use by the general public of one or more metered parking spaces.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-182. Application for permit; fee.

(a) Persons who desire to obtain a permit shall make application to the chief clerk no later than five business days before the first day of the proposed access restriction, setting forth the following:

- (1) The applicant's name, telephone number, fax number, business street address and mailing address;
- (2) The name and 24-hour telephone number of a person or persons whom the chief clerk may contact if needed to resolve any issue that may arise with respect to the permit;
- (3) The purpose for which the permit is requested;
- (4) The duration for which the permit is requested; and
- (5) The location and identification number of the metered parking spaces to be restricted.

(b) The following fees are hereby established for a permit:

- (1) The fee for the permit shall be \$10.00 for each metered space per day requested under the permit application. If the chief clerk determines that the permit should be granted, then the applicant shall, prior to receiving the permit and in addition to the permit fee, pay for the city's lost revenues, which shall be an amount equal to the total cost of parking at the affected metered space or spaces for the duration of the permit, based upon the rate applicable to the metered space or spaces. No

portion of the fee shall be refundable unless the chief clerk revokes the permit as provided herein.

- (2) The chief clerk shall waive the above fees for applications made by the city or upon written request of the city engineer for a city contractor working on a public works construction project; provided that a waiver shall only be afforded as reasonably re-

quired for purposes of access to the metered parking space or spaces for the prosecution of the city's work.

(c) To the extent that the imposition of any fee, requirement or other provision set forth in this division would be inconsistent with a controlling state or federal law, then this division shall be construed and applied in a manner that conforms with the applicable state or federal law.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-183. Review, issuance, terms, revocation.

(a) The chief clerk shall, subject to the provisions of this division and upon applicant's payment of the fee, approve an application as submitted or modified subject to this subsection and issue a permit, unless he determines that:

- (1) The application is incomplete or materially untruthful; or
- (2) The proposed access restriction, as requested, would substantially inconvenience the public in its use of the streets and that the inconvenience would outweigh any public benefits from the work, function, or activity for which the permit is requested, according to written criteria established by the traffic engineer.

(b) The chief clerk may, according to written criteria established by the traffic engineer, impose reasonable limitations upon scope of a permit, which shall be consistent with the nature and time of the restriction and its anticipated effects upon vehicular and pedestrian use of the streets. Without limiting the foregoing, the chief clerk shall not authorize restriction during peak traffic hours if a practicable alternative time schedule could be used, unless he determines that traffic and mobility will not be adversely affected. Consistent with the foregoing criteria and with approval by the traffic engineer, the chief clerk may require the permit holder to provide traffic control devices, signage, and notice to the public at the permit holder's expense.

(c) To the extent that another person has previously requested or obtained a permit for all or part of the area subject to the application or the

chief clerk is aware of any other activity that will also affect traffic at the time and in the area affected by the application, the chief clerk shall require the persons to coordinate their restrictions or may delay the effective date of the permit until a previous restriction is concluded.

(d) Each permit shall be issued in writing, shall set forth the specific meter spaces affected, beginning and ending dates, authorized days of the week and times of day, nature and authorized site of the authorized restriction, and any requirements for traffic control devices, signage, and public notice. The permit restriction shall not be valid except in strict accordance with its terms and shall be void if used in any other time, place, or manner.

(e) Permits are personal to the permit holder and may not be assigned or used by any other persons.

(f) Upon written notice to the holder, a permit may be suspended or revoked if the chief clerk determines that it was issued by error, that the obstruction is having unanticipated adverse effects upon vehicular or pedestrian traffic, or that the holder has not complied with any applicable term of the permit. If a permit is suspended or revoked, the chief clerk shall refund a percentage of the fees for any unutilized days under such permit.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-184. Hearing.

A person who is aggrieved by the decision of the city, its officials, or employees with respect to a permit application, suspension, revocation or other action under this division shall, upon written request, be entitled to a hearing to be conducted by a hearing officer designated by the chief clerk, who shall promulgate rules for hearings. The decision of the hearing officer shall be final.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-185. Closing of meters.

If the chief clerk issues a permit, municipal courts administration department personnel shall officially mark the meter or meters for the duration of the permit. Depending upon the type and

number of affected metered spaces and meters, the official marking may be in the form of meter bags, signage, or other indicia to indicate that the affected meter spaces are not available for public use.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-186. Prohibited activities.

(a) It is unlawful for any person or entity to cause, suffer, or permit an access restriction without a permit for the affected meter space or spaces.

(b) It is unlawful for a permittee to cause, suffer, or permit an access restriction in violation of any term of a permit.

(c) It is unlawful for a person who is not a municipal courts administration department employee to remove or tamper with any official marking placed under section 45-185 of this Code.

(d) Violation of this division is unlawful and shall be punishable as provided in section 1-6 of this Code.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-187. Duty of permittee.

It shall be the duty of every permittee to cause each of its attendants and agents to comply with the requirements of this division and any permit issued hereunder.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-188. No private rights in street.

Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.

(Ord. No. 04-799, § 3, 7-28-04)

Secs. 45-189—45-200. Reserved.

ARTICLE VIII. REMOVAL AND IMPOUNDMENT OF VEHICLES*

Sec. 45-201. Motor vehicle compounds.

The city council shall establish and maintain one or more vehicle compounds to which all motor

vehicles removed from the public streets, alleys, sidewalks and public ways, as provided in this article, shall be immediately taken and stored for protective custody. The motor vehicle compounds so established shall remain open seven days a week, 24 hours a day and an attendant shall be on duty at the compound at all times. Such attendants and such compounds shall be under the supervision and direction of the chief of police.

(Code 1968, § 46-182; Ord. No. 79-1681, § 1, 10-2-79)

Sec. 45-202. General authority of police.

(a) Any police officer is hereby authorized to provide for the removal of a vehicle from a street or a public place to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the street or highway.
- (3) When any vehicle is found upon a street and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.
- (4) When any such officer has reasonable grounds to believe that such vehicle has been abandoned.
- (5) When a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person in charge of the vehicle is incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or is not in the immediate vicinity of the disabled vehicle.

*Cross reference—Automobile wreckers, § 8-101 et seq.

- (6) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate.

- (7) When any vehicle is illegally parked in violation of any ordinance of the city and of the laws of the state not provided for in this section.
 - (8) When any vehicle has remained illegally overparked at any parking meter for a period of time in excess of five times the minimum time limit which may be purchased from the parking meter where such motor vehicle is illegally overparked.
- (b) When any motor vehicle has been parked or left standing on the "prisoners' parking lot" located on the grounds of the Police Administration Building, 61 Riesner Street, a public place, for a period of five days, it shall be the duty of the police officer in charge of said "prisoners' parking lot" to give written notice to the owner or claimant, at his last known address, that if said motor vehicle is not removed, or caused to be removed from such parking lot within five days from the date of notice, the vehicle will be removed under the conditions and in the manner provided by this section.
- (c) Any police officer is hereby authorized to provide for the removal of any vehicle parked or standing in or on any portion of a street or highway when, in his opinion, the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance, the safety of the vehicle is imperiled.
- (d) To provide for the public safety and protection of motorists, a law enforcement officer is hereby specifically authorized to provide for the immediate removal of any vehicle:
- (1) Parked or standing in or on any portion of any freeway within the city limits; or
 - (2) Parked or standing in or on any portion of a "restricted access lane," as that term is defined and used in section 45-336 of this Code, during the hours that access to such lane is so restricted.

As used in this subsection, "freeway" means the entire public right-of-way of a limited-access or controlled-access highway, including controlled

access roadway lanes, ramps, shoulders and unimproved areas, but excluding frontage or service roads.

(e) A vehicle removed pursuant to subsection (d) may be taken:

- (1) As directed by the owner if the owner is present;
 - (2) To a nearby site designated by the police chief for such purpose; or
 - (3) To a vehicle storage facility.
- (Code 1968, § 46-183; Ord. No. 68-340, § 1, 3-5-68; Ord. No. 79-1214, § 2, 7-25-79; Ord. No. 93-514, § 106, 5-5-93; Ord. No. 04-497, § 4, 5-26-04)

Sec. 45-203. When removal required.

(a) The police department shall remove from the public streets, alleys, sidewalks, and public ways of the city:

- (1) Any abandoned motor vehicle, as that term is herein defined;
- (2) Any motor vehicle which has remained unlawfully overparked at any parking meter for a period of time in excess of five times the minimum time limit which may be purchased from the parking meter where the motor vehicle is unlawfully overparked;
- (3) All other motor vehicles which are illegally parked in violation of any ordinance of the city or of the laws of the state not otherwise provided for.

(b) An "abandoned motor vehicle," within the meaning of this article, shall be any motor vehicle standing, parked or remaining unattended on the public streets, alleys, sidewalks and public ways of the city for 48 or more continuous hours.

(c) Any abandoned motor vehicle, any motor vehicle which shall remain overparked at a parking meter as provided in subsection (a)(2) above, and any other motor vehicle which is illegally parked, is hereby declared to be a detriment and a menace to traffic and shall be a nuisance per se. (Code 1968, § 46-184; Ord. No. 76-185, § 1, 2-10-76)

Sec. 45-204. Notice of removal.

(a) Whenever an officer removes a vehicle from a street as authorized in this article, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

(b) Whenever an officer removes a vehicle from a street under this article, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the state department of highways and public transportation in Austin, Texas, and shall file a copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.
(Code 1968, § 46-185)

Sec. 45-205. Fees to be paid.

No vehicle being stored at a city compound shall be released until all fees payable under this article have been paid or security therefor has been posted.
(Ord. No. 91-1170, § 1, 8-14-91)

Sec. 45-206. Towing and storage charges when removed to city compound; redemption from compound.

(a) There shall be a towing charge for the removal of each motor vehicle to a motor vehicle compound operated by the city. The amount of the towing charge shall be equal to the actual cost to the city of having the vehicle towed to the city

compound. The actual charge shall be determined by reference to the contract between the city and the contractor providing the towing service for which the charge is incurred.

In addition to the foregoing towing charge there shall be storage, preservation, notice, and related fees as authorized by section 8-193 of this Code to be imposed by privately operated storage lots. The chief of police shall cause the amount of the fees to be computed on the basis of actual costs of operation incurred or expected to be incurred in the operation of the compound; provided that no fee shall exceed the maximum amount authorized to be imposed by a privately operated storage lot for the same service under section 8-193 of this Code.

The police chief or his authorized agent shall post a conspicuous notice at each city compound, which notice shall contain a listing of the current schedule of towing and storage charges. The city shall have a lien in the total amount of the towing charge and storage charge on all motor vehicles at the compound, which lien shall be prior and superior to any and all other liens and claims except those for ad valorem taxes.

(b) Whenever the owner or the authorized agent of the owner of any motor vehicle, which has been removed from any public street, alley, sidewalk and public way of the city and which is stored at a city compound shall present himself at the compound and shall demand that motor vehicle, the attendant in charge shall satisfy himself that the person so claiming the motor vehicle is the true and lawful owner thereof or the authorized agent of the true and lawful owner thereof and is entitled to possession thereof. The attendant shall demand of the person proper identification and may require the display of a certificate of title to the motor vehicle and, upon being so satisfied and upon the owner's or his authorized agent's compliance with the provisions of subsection (c), below, the attendant shall deliver the motor vehicle to the owner thereof or the owner's authorized agent. The owner thereof or his authorized agent shall execute a receipt therefor, which receipt shall be made on a form prepared and furnished

by the chief of police and the attendant shall issue to the owner or his authorized agent a receipt for the towing fee and the storage fee so collected.

(c) In order to obtain release of his motor vehicle an owner or the authorized agent of an owner must:

- (1) Provide adequate proof to the attendant that he is the owner or the authorized agent of the owner of the vehicle which release he is seeking;
- (2) Post security in the amount of the towing charge and the accrued storage charge in the manner set out in subsection (d);
- (3) Post an appearance bond, in the manner prescribed in article V of chapter 16 of this Code, for the parking violation, if any, for which the motor vehicle was towed; and
- (4) Where the attendant has notice that the impounded vehicle was the subject of other citations for parking violations that have remained outstanding, where the current owner was the owner of record at the time of those violations, and where the attendant notifies the owner as to these outstanding violations, post an appearance bond for each and every one of those parking violations.

(d) The security provided for in (c)(2) above may be in the form of cash, cashier's check, certified check, or money order. The receipt for the security, to be signed by the owner and chief of police or his agent, shall authorize the chief of police or his duly authorized agent to apply the security in satisfaction of the impounding charges specified above in the event the owner or operator or person charged with the violation leading to the impounding of the vehicle is found guilty of the charge, or enters a plea of guilty or nolo contendere to the charge, or shall forfeit any cash bail which may have been posted, or where a warrant for the arrest of the person has been issued because of his failure to appear in municipal court. In the event that trial results in a finding of not guilty, or the charge is dismissed, the security tendered for the release of the motor

vehicle shall be refunded by the clerk of the municipal court and the city shall assume the obligation to pay the towing fee.

(d) To provide for the public safety and protection of motorists, a law enforcement officer is hereby specifically authorized to provide for the immediate removal of any vehicle:

- (1) Parked or standing in or on any portion of any freeway within the city limits; or
- (2) Parked or standing in or on any portion of a "restricted access lane," as that term is defined and used in section 45-336 of this Code, during the hours that access to such lane is so restricted.

As used in this subsection, "freeway" means the entire public right-of-way of a limited-access or controlled-access highway, including controlled access roadway lanes, ramps, shoulders and unimproved areas, but excluding frontage or service roads.

(e) A vehicle removed pursuant to subsection (d) may be taken:

- (1) As directed by the owner if the owner is present;
- (2) To a nearby site designated by the police chief for such purpose; or
- (3) To a vehicle storage facility.

(Code 1968, § 46-187; Ord. No. 79-1681, § 2, 10-2-79; Ord. No. 91-1170, § 2, 8-14-91; Ord. No. 01-1079, § 6, 12-5-01; Ord. No. 04-497, § 4, 5-26-04)

Sec. 45-207. Payment of fine to compound attendant.

(a) If the owner of a motor vehicle removed to a city compound under this article so desires, he may pay the minimum fine for such unlawful parking at the compound by leaving the amount shown for such unlawful parking on the reverse side of the ticket with the compound attendant. The attendant shall issue a receipt to the owner of such vehicle on a form of receipt furnished to him by the clerk of the municipal court, showing thereon that such fine is paid. All such fines so

collected by the compound attendant shall be delivered to the clerk of the municipal court when called for by such clerk.

(b) In the event that the owner of such motor vehicle does not desire to pay the amount of the fine at the compound, such owner may demand that such charge be heard before the municipal court of the city.

(Code 1968, § 46-188)

Cross reference—Courts, Ch. 16.

Sec. 45-208. Compound records.

It shall be the duty of the attendant at the city compound to keep a permanent and accurate up-to-date record of all motor vehicles brought to and stored at such compound. The record shall contain the type, make, license number, engine number, color and general description of all the motor vehicles brought to and stored at the compound and the month, date, year and hour each motor vehicle was delivered to the compound and such other information as directed by the chief of police. The disposition of each motor vehicle shall also be noted on such record.

(Code 1968, § 46-189)

Sec. 45-209. Sale of unredeemed vehicles at compound—Generally.

(a) Any motor vehicle stored at a city compound for a period of 60 days, the owner of which, whether known or not known, having failed or refused within such time to claim or reclaim such motor vehicle, shall be sold at public auction, as herein provided, to satisfy the towage and storage lien.

(b) After a motor vehicle has been stored at a city compound for a period of 60 days, the chief of police shall prepare a list of all such motor vehicles so stored, giving the make, model, type, body style and other details and shall deliver such list to the director of the treasury department. All auctions of such motor vehicles shall be conducted under the supervision and direction of the director of the treasury department.

(c) The director of the treasury department shall give 30 days' notice of the time and the place of the sale of such motor vehicles and a descriptive list of same to be offered for sale by posting

such notice of sale at the courthouse door of Harris County, and at two other public places in the city, and a copy of such notice shall be sent by certified mail to the last known address of the owner of each vehicle so listed on the notice of sale, in the event the name of the owner is known to the director of the treasury department, or such name can be ascertained by him by the exercise of reasonable diligence. At the time and place so stated in such notice, each motor vehicle shall be offered for sale for cash at public auction and the director of the treasury department shall accept the highest bid for the motor vehicle. Each motor vehicle shall be sold separately.

(d) The public auction for the sale of such motor vehicles shall be conducted at the compound or at any other place so designated by the director of the treasury department in such notice and shall be at the time designated in such notice, and all sales shall be final.

(Code 1968, § 46-190)

Sec. 45-210. Same—Delivery of vehicle, bill of sale, etc., to purchaser; purchaser to pay fees necessary to secure title certificate.

Upon payment by the highest bidder to the director of the treasury department of the amount so bid for a motor vehicle sold pursuant to section 45-209 of this Code, such director shall deliver to such highest bidder such motor vehicle, together with a bill of sale therefor executed by such director in the name of the city. In addition thereto, such director shall furnish to the highest bidder all of the necessary documents required by the laws of the state in order that such bidder may secure a certificate of title therefor. All fees, transfer taxes and other charges for securing a certificate of title shall be paid by the purchaser.

(Code 1968, § 46-191)

Sec. 45-211. Same—Records and reports.

The director of the treasury department shall keep an accurate record of each motor vehicle sold under this article, the name and address of the purchaser, the price paid therefor, the date of sale and other information deemed necessary by the

director. The director shall make a complete report in writing to the city controller of the time, place and manner of conducting such sale.

(Code 1968, § 46-192)

Sec. 45-212. Same—Disposition of proceeds.

(a) All funds received by the director of the treasury department from the sale of a motor vehicle under this article shall be delivered to the city controller who shall give his receipt therefor.

(b) Out of the proceeds from the sale of a motor vehicle under this article, the city controller shall first apply such proceeds to the towage and storage lien of the city, which sum shall be placed to the credit of the general fund and shall thereafter be disbursed as the city council shall determine and direct. In the event the proceeds of such sale are in excess of the towage and storage lien, then the excess sum shall be deposited by the city controller in a separate fund and, upon demand being made by the true owner of such motor vehicle, the controller shall deliver such excess sum to such owner. If no demand is made by the true owner of such motor vehicle for such excess sum within two years from the date of the sale of such motor vehicle, such sum shall become the property of the city and the controller shall transfer such sum to the general fund to be used as the city council shall determine and direct.

(Code 1968, § 46-193)

Sec. 45-213. Same—Disposition of vehicle not bid upon.

Any motor vehicle which has been offered for sale at public auction under this article, and for which no bid is received, shall be disposed of by the director of the treasury department in such a manner as he deems advisable and all such motor vehicles so disposed of in such manner shall be reported to the city controller in writing, together with amount received therefor and the date and manner of such disposition.

(Code 1968, § 46-194)

Secs. 45-214—45-230. Reserved.

ARTICLE IX. PARADES AND PROCESSIONS*

DIVISION 1. GENERALLY†

Sec. 45-231. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AAA means the American Arbitration Association.

Arbitrator means a person certified by the AAA to arbitrate disputes under its rules and procedures.

Commercial parade means any revenue generating parade or parade for which a participation fee is charged.

Conditional permit means a permit subject to or dependent upon the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

Director means the director of the public works and engineering department or his designee unless specified.

Disbanding area means the area where parade participants, floats, vehicles, and animals disband following a parade.

Downtown area means the area including and bounded by Commerce Street on the north, Gray Avenue on the south, Chartres Street on the east, and Bagby Street on the west.

Final permit means a permit issued upon the satisfaction of all requirements of this division.

***Cross references**—Carrying clubs in certain demonstrations, picket lines, etc., § 28-33; use of radios, etc., for advertising, § 30-4; public gatherings in parks, § 32-61 et seq.; street dances, § 40-27.

†**Editor's note**—Ord. No. 05-1347, § 2, adopted December 7, 2005, amended Ch. 45, Art. IX, Div. 1, in its entirety. Formerly, said division pertained to similar subject matter and derived from Ord. No. 99-1352, § 1, adopted Dec. 21, 1999. It should be noted that § 4 of said ordinances provides for an effective date of Jan. 1, 2006, 12:01 a.m.